

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60936 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- KHAIRA District- Saran

1. Rakesh Kumar Manjhi @ Rakesh Kumar Paswan S/O Late Heera Manjhi R/O vill.- Rampur Kala, P.S.- Khaira, Dist.- Saran.
2. Mukesh Kumar @ Mukesh Kumar Manjhi S/O Late Heera Manjhi R/O vill.- Rampur Kala, P.S.- Khaira, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maheshwar Prasad, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners are apprehending arrest in connection with Khaira P.S. Case No. 62 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2), 3(5) of the B.N.S.

3. As per prosecution case, there is allegation that after surrounding the informant petitioner no. 1 is said to have caught hold of the informant and petitioner no. 2 assaulted indiscriminately upon the head of the informant by means of Daab as a result of which informant sustained injury on his head. It is further alleged that co-accused Pramod Manjhi assaulted upon the head of the informant by means of *farsa* as a result of which informant sustained injury. It is further alleged



that when wife of the informant came for rescue, co-accused Omkar @ Golu tore her clothes and Gyanti Devi snatched her gold chain.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. It is submitted that there is no allegation of assault against petitioner no. 1 and the only allegation levelled against petitioner no. 1 is that he caught hold of the informant. It is further submitted that though there is allegation against the petitioner no. 2 of assaulting indiscriminately upon the head of the informant by means of Daab and there is allegation against co-accused Pramod Kumar Manjhi of assaulting upon the head of the informant by means of *Farsa*, but the injury report reflects only two injuries which is completely inconsistent with the allegations levelled in the first information report. It is submitted that all the injuries sustained by the informant has been found to be simple in nature. There is case and counter case between the parties. There is previous land dispute between the parties as is evident from the averment made in the F.I.R. itself and in cases of land dispute facts are generally exaggerated in order to make the offence graver.



Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners. It is submitted that there is specific allegation of assault against petitioner no. 2 which is supported by the injury report. He, however, has not disputed that there is no specific allegation of assault against petitioner no. 1.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Khaira P.S. Case No. 62 of 2025, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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